



IF DAE

PATENT

Docket No: HKH-34PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wolfgang Wedler, et al
Serial No: 10/588,979
Int. Filed: December 7, 2004
For: RESPIRATORY DEVICE AND METHOD FOR CONTROLLING
A RESPIRATORY DEVICE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON
FAILURE TO RECEIVE OFFICE ACTION**

S I R:

In response to the Notice of Abandonment mailed June 20, 2008, Applicants hereby petition to withdraw the holding of abandonment of the above-identified application.

The application became abandoned for failure to submit a response to the "Notification of Missing Requirements" mailed April 30, 2007.

The entire delay from the abandonment of the application and the filing of this grantable Petition to Revive was unintentional.

Submitted herewith are copies of the logbook of incoming mail of the undersigned attorney showing that the Notification of Missing Requirements was not received during the period of April 30, 2007 through June 4, 2007.

In addition, a search of the file jacket of the application has been performed by the undersigned attorney but the Notification of Missing Requirements was not found.

Also submitted is a copy of the month of June 2007 of a calendar maintained by the undersigned attorney by docket number and the type of response required. Once all communications received from the USPTO have been entered in the logbook, those office actions which require a response are entered into the calendar. This calendar is checked daily and reminders are sent

in connection with those applications where no response has yet been filed. If a response is filed, the docket number is crossed out in the calendar. This system has proven reliable and has been used by the undersigned attorney for the last fifteen years without problems.

Applicant respectfully states that the office action was not received at the correspondence address of record, a search of the undersigned attorney's records, including the file jacket of the application, and the application contents, indicates that the office action was not received. The copy of the calendar page for June 2007 shows all replies docketed for June 2007. As mentioned above, a copy of the incoming mail log is submitted herewith.

Accordingly, it is respectfully submitted that this petition should be granted and the Notification of Missing Requirements be remailed.

In the event that a petition fee is required, the Commissioner is authorized to charge such fee to Deposit Account No. 11-1835.



Respectfully submitted,

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Friedrich Kueffner
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(212) 986-3114

Dated: August 20, 2008

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 20, 2008.

By: F. Kueffner
Friedrich Kueffner

Date: August 20, 2008

KH-34

P. 7233

PCT

Patent No.

Granted

Applicant Wolfgang Wedler, et al

Ser. No. 10/588,979

Group _____

Filed _____

Room _____

For _____

Drawings _____ Sheets. Executed _____ Forwarded _____

Allowed _____ Allowance Notice Sent _____

Final Fee Sent _____ Receipt for Final Fee _____

Patent Delivered to _____

Assignee Weinmann Geräte für Medizin GmbH & Co. KG

Assignment Forwarded _____

Recorded _____

Reel _____

Frame _____

Assignment Returned _____

Delivered Assignee _____

Foreign PCT/DE04/02678 (7. December 2004)

Germany 10 2004 006 396.6 (10. February 2004)

S.N.

Applicant's Residence _____

Post Office Address _____

Applicant's Residence _____

Post Office Address _____

9225 PATENT FOLDER

EXCELSIOR-LEGAL, IN
CE

HC-4-34

✓ April 30, 2007

RW-122 DIV	CON	11/016,587 (OA-3mo) 4/27/07	✓ Done July 2
HM-672		10/563,583 OA(3mo) 4/30/07	✓ Done July 3
BP-86		10/664,589 Advisory Action	
HM-585		10/498,652 OA(3mo-final) 4/26/07	✓ Done July
HM-388		09/744,181 Advisory Action	
HKT-50		11/731,021 Russ Pats 4/27/07	✓ Done June
L7-102		11/093,326 Issue Notification	
BU-16		10/574,245 Notice of Wgn. Recordation	
PR-86		11/650,339 Notice of Recordation	
HO-04		10/575,175 Notice of Recordation	
BH-31		75/805,631 Notice of Recordation	
BH-202		11/650,340 Notice of Recordation	
HM-680		10/581,385 Fil. Receipt / Nol. of Acceptance	
BE-198		29/285,537 Filing Receipt	

MAY 2, 2007

KN-47		10/305,324 Office Communication	
BE-198		29/285,537 Notice of Recordation	
BE-199		29/285,536	- u -
BE-200		29/285,535	- u -

MAY 3, 2007

KS-147		76/589,811 Notice of Allowance 5/1/07	✓ Done BEF
BE-153		29/231,619 Notice of Recordation	
HCH-37		11/496,062 Filing Receipt	

May 3 (cont.)

PR-60	10/809,045	Issue Notification	# 7,210,594
KN-72	10/835,785	- " -	# 7,210,709
BM-179	11/225,387	- " -	7,210,714

May 4, 2007

LZ-96	11/004,298	OA(3mo) 5/2/07	due 8/2/0
HN-505	10/343,580	Notice of Abandonment	
LZ-106	3,232,170	TR Registration Certificate	

May 7, 2007

PR-66	10/977,616	Advisory Action	
FF-52	10/511,518	Advisory Action	
RF-108	11/234,058	OA(3mo) 5/3/07	✓ due Aug. 3, 20
BP-87	10/675,808	OA (3mo) 5/3/07	✗ due Aug 3, 20
HN-713	10/575,601	OA (3mo) 5/4/07	✗ due Aug 4, 20
KN-74	10/913,804	OA (3mo-final) 5/4/07	✗ due Aug. 4, 20
BP-90	10/481,549	OA (3mo) 5/4/07	✓ due Aug 4, 20
BE-200	29/285,535	Filing Receipt	
PR-86	11/650,339	Filing Receipt	
FI-81	10/588,864	Miss Require. (2mo) 5/4/07	✓ due July 4, 2
RW-109	09/582,770	Fee Reminder	
BE-166	29/239,826	Issue Notification	
HF-27	08/932,026	Fee Reminder	
FI-32	09/403,365	Fee Statement	

May 7, 2007 (Cont.)

BM-202CON	11/650,340	Filing Receipt
BM-150	29/187,233	Not. of Abandonment
BU-05	10/302,729	Tr. Fee Statement
LZ-109	10/557,279	Filing Receipt/Not. of Accept.
BE-199	29/285,536	Filing Receipt
BE-113	10/607,847	Issue Notification
LZ-25DIV	09/997,077	Tr. Fee Reminder
RF-104	11/262,046	Issue Notification
RF-105	11/186,473	Issue Notification
BE-118	10/686,039	Issue Notification
RW-191	11/546,520	Not. of Publication
HT-361CON	11/601,202	Not. of Publication
HT-680	10/561,385	Not. of Rev. Publ. Date
HF-85	76/675,841	Filing Receipt
RW-196	76/675,761	Filing Receipt
BE-197	29/285,538	Filing Receipt
RI-20	08/665,891	Recordation Notice
KN-114	11/786,393	Recordation Notice

MAY 9, 2007

HM-654	10/544,891	OA (3mon) 5/7/07	*Due AUG
LZ-1170iv	29/273,664	Issue Fee due	*AUG

MAY 10, 2007

BM-141 10/475,500

IP fee

~~due~~ AU

Notice of Allowability

~~due~~ AU

FI-89 11/704,706

Filing Receipt

KS-163

Certificate of Registration # 3,239,971

HM-586 10/509,676

Issue Notification # 7,214,212

RF-103 11/182,250

- u -

7,214,215

RF-106 11/107,298

- u -

7,214,216

HM-541 10/480,755

- u -

7,213,785

BP-71 10/770,147

- u -

7,214,354

HM-549 10/486,410

- u -

7,213,432

MY-260N 10/993,099

- u -

7,213,589

MAY 11, 2007

HM-556 10/489,003

OA (3 mon) 5/9/07 FR

~~due~~ AU

KS-166 76/658,256

Examiner's Amendment

BE-160 29/235,259

Notice of Recordation

PR-57 10/742,734

Abandonment

RF-100 76/615,235

Certificate of Registration

MAY 15, 2007

BM-157 10/505,202
7/175,210

Certificate of Correction / denied request

KS-161 7/9/07,439

Office Communication

HM-734 10/586,985

Notification of Missing Requirements

GR-70 11/787,190

Missing Parts

✓ due 7/

RW-197 11/786,392

Missing Parts

✓ due 7/

✓ MAY 15 (cont)

FI-86	11/643,003	Updated Filing Receipt	
HM-552DIVC	11/703,433	- u -	
HM-552DIVB	11/703,435	- u -	
HM-711	10/567,932	Filing Receipt	
RW-197	11/786,392	- u -	
GR-70	11/787,190	- u -	
BV-20	10/577,080	- u -	
HM-634	10/537,230	OA (3 mon) 5/11/07	*due A
HM-660	10/544,604	OA (3 mon) 5/11/07	*due A
FI-49	76/593,309	Opposer's Motion for Summary Judgment Communication	

MAY 16, 2007

RW-154	10/490,778	OA (3 mon) 5/15/07	*due AU
LZ-89	10/509,006	Order Returning Undocketed Appeal	
BM-183	10/564,343	Notice of Allowance & IP fee	*due t
KN-114	11/786,393	Filing Receipt	
HM-745	11/666,535	Notice of Recordation	
VS-180	79/025,407	OA FR (6 mos) due 24 Oct 07	

MAY 17, 2006

KN-81	11/027,529	Adv. Action (FR 4/19/07)	*due Jul
KIV-49	76/485206	Notice of Allowance 5/15/07	Adm
BE-160	29/235,259	Notice of Allowance & Issue fee	

MAY 17 (cont)

RW-189	4/526,139	Publication Notice	
HM-717	10/583,303	-u-	
HKH-53	11/787,108	Notice to file Missing Parts	due Ji
HKH-52	11/787,104	-u-	due J
HKH-53	11/787,105	Filing Receipt	
HO-04	10/575,175	-u-	
HM-709	10/570,413	-u-	
BU-21	10/577,079	-u-	
HKH-52	11/787,104	-u-	
MY-29	10/537,229	Abandonment	
BH-184	79/008,369	Abandonment	
LZ-102	11/093,326	Issue Notification # 7,217,934	

MAY 18, 2007

HKH-21	4/254,116	OA (3mo) 5/16/07	due A
HM-491	10/149,838	OA (3mo) 5/16/07	due A
HM-694	96/656758	Examiner's Amendment	
		Monthly Statement of Dep Account	
BE-203	29/286,040	Filing Receipt	
KS-174	10/586,986	Recordation	
BE-195	29/272,404	-u-	

MAY 21, 2007

BE-104	10/286,458	OA (1mo) 5/18/07	due Ji
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MAY 21 (cont)

PR-39	10/025,917	Board of Patent Appeals & Dock. Notice
GR-53	10/174,678	ORDER RETURNING UNDOCKET. APPEAL
GR-43	09/1924,938	M. fee reminder for 6632,059 *due No
BE-194	29/272,405	Updated Filing Receipt
BE-195	29/272,404	— u —
BE-171	10/571,423	Filing Receipt
HM-770	11/864,141	Notice of Recordation
MU-16	10/574,245	— " —
BE-194	29/272,405	— u —
PR-85	11/514,699	— " —
HM-678	10/562,346	Publication
HM-698	10/580,788	— u —
HM-706	10/583,293	— " —
HM-709	10/579,413	New or Rev. Proj Publication
MU-20	10/577,080	— u —
HM-749	11/630,935	— u —
HK-40	11/600,334	— u —
BP-59	09/836,887	M. Fee Statement for 6,639,991
HP-55	09/774,244	Patent expired: 6,549,166
	09/914,312	— u — : 6,539,762

MAY 23, 2007

HM-79	10/580,790	OA(3mon) 5/21/07	*due AUG
KS-37	73/064,015	Notice of Acceptance	
KN-113	11/724,036	Notice of Recordation	

MAY 24, 2007

BE-202	11/787,188	Filing Receipt & Missing Parts due
RW-10CON	08/615,583	Notice of Recordation (3X)
BM-108/170	11/112,873	- u -
RF-104	11/262,046	Issue Notification # 7,220,242
RF-105	11/186,473	Issue Notification # 7,220,241
ME-113	10/609,847	- u - # 7,220,114
ME-166	29/239,826	- u - # D543,074
ME-118	10/686,039	- u - # 7,220,280

MAY 25, 2007

LZ-100	11/088,224	OA (3 mon) 5/23/07	*Due Ave
RW-178	11/299,350	Adv. Action 2/13/07	due
HM-690	10/566,314	Notice of Publication	
SC-06	10/593,938	Filing Receipt	
KN-113	11/724,036	- u -	

MAY 29, 2007

RF-109	11/246,020	OA (3 mon) 5/23/07	due Av
HM-747	10/591,518	Notification of Missing Regl.	due Ju
Ff-87	11/659,432	- u -	due Ju
HKH-16	76/650,114	Office Communication	
HM-676	10/566,312	Notice of Publication	
BU-19	10/575,280	Notice of Publication	
RF-113	11/594,558	Notice of Publication	

MAY 29 (cont)

KN-116	11/796,500	Recordation of Assignment
DE-Misc	73/592,795	11-
HM-685	10/563,264	Filing Receipt
KN-06	10/575,327	- 11 -
PR-85	11/514,699	Updated Filing Receipt

MAY 31, 2007

RW-164	10/869,314	OA (3mon) FINAL 05/29/07 due A
HM-547	10/481,929	1TP fee / NoA due A
KW-17	10/550,166	Discussion 5/25/07 response due JL
HM-707	10/584,173	Notice of Non-Recordation, due JL

JUNE 1, 2007

HF-84	76/659,603	Abandonment
BU-18	10/575,281	Filing Receipt
HM-723	10/575,329	- 11 -

June 4, 2007

RW-178	11/299,350	Publication Notice
LZ-93	10/511,519	Not of Abandonment
KN-93DIV	11/657,792	Off Action (1 month) 6/1/07 due July 1
BT-168	10/532,402	Not of Abandonment
BT-204	11/660,180	FR + Not of Acceptance
BU-25	10/577,029	FR + Not of Acceptance